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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JOEL ENRIQUE RIVERA PALMA,

11 Plaintiff,

12 v.

13 NATALIE ASHER,

14 Defendant.

CASE NO. C13-1937JLR

ORDER

15 Before the court are the Report and Recommendation (“R&R”) of Magistrate
16 Judge Mary Alice Theiler (R&R (Dkt. # 11)), and Petitioner Joel Enrique Rivera Palma’s
17 objections thereto (Objections (Dkt. # 14)). This is a habeas corpus case. Mr. Palma is
18 currently being held in immigration detention by United States Immigration and Customs
19 Enforcement (“ICE”). (R&R at 1.) He was arrested for Driving Under the Influence
20 (“DUI”), sentenced to a day in jail, and was thereafter detained without the possibility of
21 bond. (*Id.* at 2.) He requested and was granted a bond hearing, but the Immigration
22 Judge found that he was a danger to the community and denied him bond. (*Id.*) Mr.

1 Palma then filed this habeas petition pursuant to 28 U.S.C. § 2241. (Mot. (Dkt. # 3).) In
2 the petition, Mr. Palma challenges the constitutionality of the immigration bond and
3 detention process. (*See id.* at 1-2.) Fundamentally, he argues that the present statutory
4 scheme governing immigration bond and detention grants unfettered discretion to ICE
5 authorities and immigration judges, resulting in a system that grants or withholds liberty
6 to those subject to its mandates in a manner that is arbitrary, non-uniform, and violative
7 of basic notions of due process. (*See id.*; Objections at 1-5.)

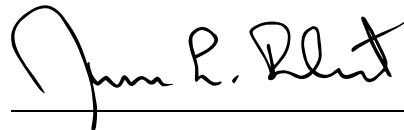
8 Mr. Palma's objections to the R&R were filed late. (*See* Dkt.) They were filed
9 after the deadline for objections established by the court. (*See* Dkt. # 11.) Before the
10 objections were filed, the court had already approved and adopted the R&R, dismissed
11 the case, and issued a judgment. (*See* 2/25/14 Order (Dkt. # 12); Judgment (Dkt. # 13).)
12 Nevertheless, Mr. Palma's objections raise issues not addressed in the R&R that merit the
13 court's attention. (*See* Objections.) Given that Mr. Palma is detained, the court finds
14 good cause to alter the scheduling order and accept Mr. Palma's late-filed objections.
15 The court also construes Mr. Palma's late filing liberally as a motion for relief from final
16 judgment under Federal Rule of Civil Procedure 60(b), GRANTS the motion,¹ and
17 WITHDRAWS its previously-entered Order of Dismissal and Judgment (Dkt. ## 12, 13).

18 The government will be permitted one week to respond to Mr. Palma's objections,
19 and the objections shall be noted for the court's consideration on Friday, March 7, 2014.

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21 ¹ Under Rule 60(b), the court may relieve a party from a final judgment, order, or
22 proceeding based on: (1) mistake, inadvertence, surprise, or excusable neglect; or . . . (6) any
other reason justifying relief. Fed. R. Civ. P. 60(b). These conditions are met due to the fact that
Mr. Palma is detained.

1 If the Government has any objection to the court's acceptance of Mr. Palma's late filings
2 or decision to relieve Mr. Palma from the previously-entered judgment, those objections
3 should be detailed in the Government's response.²

4 Dated this 28th day of February, 2014.

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7 JAMES L. ROBART
8 United States District Judge
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22 ² If necessary, the Government may request leave to file an overlength response.